

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

THE UNITED STATES OF AMERICA

v.

No. 19-cr-00251-LM

JOHNATHON IRISH

**ASSENTED-TO MOTION TO EXTEND DEADLINE
FOR FILING SENTENCING MEMORANDA AND MOTIONS**

The defense, with the assent of the government, respectfully asks that the deadline for filing sentencing memoranda and requests for a departure or variance be extended by one business day, from Friday, October 2, 2020 to Monday, October 5, 2020.

Mr. Irish is scheduled for a sentencing hearing on October 14, 2020. Pursuant to this court's order and L. Cr. R. 32.1(i), sentencing memoranda and requests for a departure or variance are due ten days before sentencing. The tenth day before sentencing falls on Sunday, October 4, 2020. Under Fed. R. Crim. P. 45(a)(1) and (5), and L. Cr. R. 45.1(i), when a deadline is determined by counting days before an event, and the last day falls on a weekend or legal holiday, the due date for the filing is determined by counting backwards to the next day that is not a legal holiday or weekend. Thus, the deadline for memoranda and motions is Friday, October 2, 2020.

Undersigned counsel seeks an extension from Friday to the following Monday because yesterday counsel was scheduled to have an important and time-consuming hearing on Friday, October 2, 2020, in the matter of *State v. Zachary Bailey*, No. 215-2020-CR-0004, a "death-resulting" drug case currently pending in the Superior Court of New Hampshire for Grafton County. Preparation for that matter over the next few days

and on Friday will make it extremely difficult for counsel to finalize the sentencing pleadings for this case by the end of the day on Friday.

Counsel for the defense explained this concern to Assistant United States Attorney Anna Krasinski who generously assented to counsel's request to extend the deadline. Counsel seeks the extension for both parties so that they remain on equal footing. The extension will not result in the rescheduling of any scheduled hearing or otherwise delay the case.

The Court has the discretion to grant this request pursuant to Fed. R. Crim. P. 45(b)(1). No further memorandum of law is submitted because the authority to grant this motion is stated herein.

WHEREFORE the defense requests that the deadline for filing sentencing memoranda and requests for a departure or variance be extended by one business day, from Friday, October 2, 2020 to Monday, October 5, 2020.

Date: September 29, 2020

Respectfully submitted,

/s/ Richard Guerriero
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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to registered Participants identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to the nonregistered participants on the date the document was signed by me.

/s/ Richard Guerriero